

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 28, 2002**

**IN RE:**

**APPROVAL OF THE INTERCONNECTION  
AGREEMENT AND AMENDMENT THERETO  
NEGOTIATED BY BELL SOUTH  
TELECOMMUNICATIONS, INC. AND POWERTEL,  
INC. PURSUANT TO SECTIONS 251 AND 252 OF  
THE TELECOMMUNICATIONS ACT OF 1996**

**DOCKET NO. 01-00975**

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**ORDER APPROVING COMMERCIAL MOBILE RADIO SERVICE  
INTERCONNECTION AGREEMENT AND AMENDMENT THERETO**

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*The Petition for Approval of the Interconnection Agreement and Amendment Thereto Negotiated By BellSouth Telecommunications, Inc. and Powertel, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996* requesting approval of a Commercial Mobile Radio Services Interconnection Agreement and Amendment came before the Tennessee Regulatory Authority (the "Authority") at the January 23, 2002 Authority Conference.

The first Interconnection Agreement between these parties was filed on September 14, 2000 and was assigned Docket No. 00-00803. The Authority approved the first Interconnection Agreement at the November 7, 2000 Authority Conference. The current Agreement and Amendment were filed on November 5, 2001 and came before the Authority pursuant to 47 U.S.C. § 252.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and Amendment and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Agreement and Amendment are in the public interest as they provide consumers with alternative sources of telecommunications services in the BellSouth Telecommunications, Inc. service area.
- 3) The Agreement and Amendment are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement and Amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.<sup>2</sup>
- 5) This is a commercial mobile radio services agreement and is not an agreement between competing carriers.

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

<sup>2</sup> On December 13, 2001, the Authority issued a data request to BellSouth Telecommunications, Inc. requesting information on whether the agreement that is the subject of this docket is consistent with previous decisions. To date, BellSouth Telecommunications, Inc. has not responded to this request.

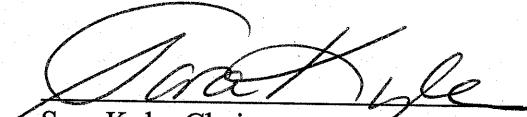
6) By approving this Agreement and Amendment, the Authority does not make a determination that the provision of wireless services to both business and residential customers within the BellSouth Telecommunications, Inc. service area rises to the level of facilities-based competition under 47 U.S.C. § 271(c)(1)(A).

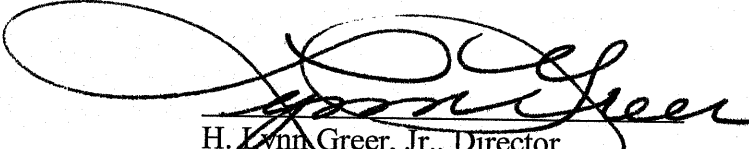
7) No person or entity has sought to intervene in this docket.

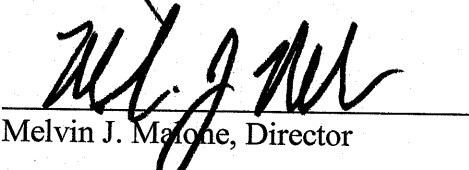
8) The Agreement and Amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**


The Commercial Mobile Radio Service Interconnection Agreement and Amendment thereto negotiated between BellSouth Telecommunications, Inc. and Powertel, Inc. are approved and are subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary